

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**No. 19-1197V**

SHIRLEY R MILLER,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 10, 2021

**SCHEDULING ORDER-SPECIAL PROCESSING UNIT**

On December 18, 2020, Respondent filed a Rule 4(c) Report opposing compensation in this case. ECF No. 24. In his Report, Respondent asserts that Petitioner's medical records do not preponderantly establish onset of left shoulder pain within 48 hours of vaccination, as set forth in the Vaccine Injury Table and Qualifications and Aids to Interpretation ("QAI") for a Shoulder Injury Related to Vaccine Administration ("SIRVA"). Res. Report at 4. Respondent specifically notes that Petitioner "did not seek care for her alleged injury until February 14, 2018, three months and twenty-three days after vaccination." *Id.* According to Respondent, the "delay in seeking treatment does not support by preponderant evidence a finding that [P]etitioner's shoulder injury began specifically within forty-eight hours of vaccination." *Id.*

I have reviewed Respondent's Report and the evidence filed to date and am prepared to make a finding regarding the onset of Petitioner's alleged injury. It is my belief that a hearing and briefing are not necessary to resolve this issue. However, the parties will be permitted to file any additional briefing and relevant evidence (e.g., affidavits) pertaining to the onset of Petitioner's alleged injury by the deadline set forth below. I will thereafter issue a fact ruling concerning this issue.

**Accordingly, the parties may file briefs and any other relevant evidence pertaining to the onset of Petitioner's alleged injury by Monday, March 29, 2021.**

Any questions about this order or about this case generally may be directed to OSM staff attorney **Patrick Rodefeld at (202) 357-6370 or [Patrick\\_Rodefeld@cfc.uscourts.gov](mailto:Patrick_Rodefeld@cfc.uscourts.gov)**.

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**  
Brian H. Corcoran  
Chief Special Master